

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al., *
*
Plaintiffs, *
*
v. * 05-CV-0329 GKF-PJC
*
TYSON FOODS, INC., et al., *
*
Defendants. *

VIDEO DEPOSITION OF STEVE STEELE

ANSWERS AND DEPOSITION OF STEVE STEELE, produced as a witness at the instance of the Defendants Cargill, Inc. and Cargill Turkey Production, LLC, taken in the above-styled and -numbered cause on the 7th day of April, 2009, A.D., beginning at 9:49 a.m., before Lisa Smith, a Certified Shorthand Reporter in and for the State of Texas, in the offices of Rhodes, Hieronymus, Jones, Tucker & Gable, PLLC, located at 100 West Fifth Street, Suite 400, Tulsa, Oklahoma, in accordance with the Federal Rules of Civil Procedure and the agreement hereinafter set forth.

STEVE STEELE

April 7, 2009

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A P P E A R A N C E S

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5
6 ALSO PRESENT:

7 WAYNE C. NEIL - Videographer

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P R O C E E D I N G S

(Exhibit No. 3 was marked.)

THE VIDEOGRAPHER: We're on the record.

Today is April 7th, 2009. This is the beginning of the videotaped deposition of Steven Steele in the State of Oklahoma, et al. versus Tyson Foods, Incorporated, et al. in the United States District Court for the Northern District of Oklahoma.

My name is Wayne Neil. I'm the videographer. Our court reporter is Lisa Smith.

Would the attorneys please introduce themselves for the record.

MR. WALKER: Todd Walker with Faegre and Benson representing the Cargill defendants. With me is Chris Dolan of Faegre and Benson and Theresa Hill of the Rhodes Hieronymus firm.

MR. MIRKES: Craig Mirkes for Peterson Farms.

MR. CHADICK: Buddy Chadick for George's Incorporated.

MS. WEAVER: Sharon Weaver and Pat Green for The State of Oklahoma.

STEVE STEELE,
having been first duly sworn, testified as follows:

MS. WEAVER: Are we reserving objections except as to form or just following the Court rules,

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1 the State had hired in the course of their work?

2 A. No.

3 Q. Did any of your investigators do that?

4 A. No.

5 Q. And you never made any observations that any
6 run-off was occurring from any fields; correct?

7 A. Not that I can remember.

8 Q. You didn't make any observations in the rain;
9 right?

10 A. I don't, no.

11 Q. I'm sorry?

12 A. No.

13 Q. Did you do anything to document the transportation
14 of hay into or out of the IRW?

15 A. No.

16 Q. Did you do anything to document the transportation
17 of any grains into or out of the IRW?

18 A. No.

19 Q. Did you do anything to determine how much land was
20 available for cattle grazing?

21 A. No.

22 Q. Did you try to observe and document any instances
23 of stream bank erosion?

24 A. No.

25 Q. Did you attempt to observe and document any

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1 laws of Oklahoma are?

2 A. Criminal laws.

3 Q. Criminal laws.

4 A. Traffic laws.

5 Q. Given your knowledge of Oklahoma law over the
6 course of 33 years as a policeman, did you observe any
7 poultry grower or integrator violating any law?

8 MS. WEAVER: Object to form.

9 A. Grower or integrator, no.

10 Q. (BY MR. WALKER) In the course of this work, did
11 you see somebody else violating the law?

12 A. Yes.

13 Q. Who was that?

14 A. Some of these individual spreaders that do this
15 for a living had unsecured loads, dropped material on the
16 roadway. Some of them didn't have covers over the top
17 where a cloud was following them down the road. If I was a
18 trooper in that area, I would have pulled them over and
19 told them to secure their load.

20 Q. Did you report any of those people or activities
21 to the police?

22 A. No, sir.

23 Q. Why not?

24 A. We just didn't -- we just did not do it.

25 Q. Did you report any of the activities that you

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1 Q. I meant to ask for each of those forms that we've
2 been talking about so far in Exhibit 22. Did you document
3 any observation of any illegal or improper activity?

4 A. No, sir, none were documented.

5 Q. The next page is the Team 2 page we've already
6 talked about, correct, Hummel and Nance?

7 A. What's the bottom of it?

8 Q. Page 12764.

9 A. Yes.

10 Q. And I'm just -- I'm skipping past that one.

11 A. Okay.

12 Q. I'm just keeping track for the record, so go to
13 the next page, which is 12699.

14 A. Okay.

15 Q. Is that your handwriting?

16 A. No, sir.

17 Q. Okay. Mr. Huff's?

18 A. Yes.

19 Q. Okay. But you were with him that day?

20 A. Yes.

21 Q. What was the purpose of the notes that were
22 written for those observations that day?

23 A. It looked like that field had been fertilized with
24 the Rucker Honeysuckle Farm. I don't think he even is in
25 operation. It was -- that was the closest sign adjacent,

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1 A. No, sir.

2 Q. You didn't take a single field soil sample where
3 you say spreading occurred, did you?

4 A. No, sir.

5 Q. You didn't see any run-off from any field over the
6 course of your investigation activities?

7 A. No, sir.

8 Q. You didn't even go out in the rain; right?

9 A. I didn't.

10 Q. You didn't investigate the extent and location of
11 cattle operations in the IRW, did you?

12 A. No, sir.

13 Q. You didn't investigate the location and function
14 of any septic systems in the IRW; correct?

15 A. No, sir.

16 Q. And you didn't see anything illegal done by any
17 grower or integrator in the course of your investigation
18 work; correct?

19 MS. WEAVER: Object to form.

20 A. No.

21 Q. (BY MR. WALKER) And you didn't report any
22 observation that you made in the course of your
23 investigation to any State agency?

24 A. No.

25 MR. WALKER: I'll pass the witness.